

MHV

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ARTEMUS BANKS,

Plaintiff,

v.

Case No. 1:08-CV-02324

BAXTER INTERNATIONAL INC., a
corporation; BAXTER HEALTHCARE
CORPORATION, a corporation, and
SCIENTIFIC PROTEIN
LABORATORIES, LLC, a limited liability
company, ROBERT L. PARKINSON, JR.,
JAMES M. GATLING, and DAVID
ROHRBACH,

Defendants.

ORDER

Having considered Plaintiff Artemus Banks's Motion for Order to Preserve Evidence and upon agreement between Plaintiff and Defendants Baxter International Inc. and Baxter Healthcare Corporation, the Court orders as follows:

1. All test results, data generated from tests and testing protocols from recall-related heparin testing possessed or controlled by Baxter International Inc. or Baxter Healthcare Corporation shall be preserved;
2. With the exception of ongoing destructive testing by Baxter International Inc., Baxter Healthcare Corporation, Baxter Healthcare Puerto Rico, U.S. governmental agencies and other foreign agencies, the recalled heparin possessed or controlled by Baxter International Inc. or Baxter Healthcare Corporation shall be preserved;
3. Regardless of any ongoing destructive testing, a minimum of ten vials from each finished lot of recalled Baxter heparin vials shall be preserved;

4. Within ten days of the date that the testing is finished, Baxter International Inc. and Baxter Healthcare Corporation shall provide Plaintiff with the test results specific to the API for Baxter Heparin Lot No. 027020 (NDC No. 0641-2450-41), the lot number at issue in this case;

5. This order may be modified at later date by any Multidistrict Litigation Court if this case is so transferred.

IT IS SO ORDERED this the 27 day of May, 2008.


UNITED STATES DISTRICT JUDGE